

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BILLY JONES,

Plaintiff,

vs.

No. 13 -00741 RB-WPL

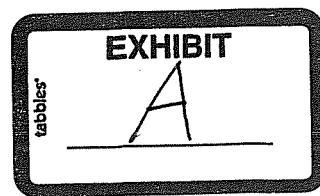
ESPANOLA MUNICIPAL SCHOOL DISTRICT,
and SUPERINTENDENT JANETTE ARCHULETA

Defendants.

AFFIDAVIT OF DR. FIDEL TRUJILLO

I, Dr. Fidel Trujillo, being of sound mind and over the age of 18 years old, hereby state as follows under the penalty of perjury:

1. I was employed at the Espanola Public Schools District for the 2010-2011 school year as an Assistant Superintendent.
2. I served as the Hearing Officer in connection with the long-term suspension or expulsion due process hearing for Billy Jones on September 22, 2010. See Hearing Notes (Exhibit A-1).
3. The events surrounding this incident all took place on or about September 7, 2010. Id.
4. According to the Police Reports and Incident Narratives submitted into evidence during Plaintiff Billy Jones' expulsion hearing, he created and/or brought a hit list to school and had it out during his class with teacher, Josephina Litera. See Officer Ernie Romero's Incident Narrative (Exhibit A-2); Hit List created by Billy Jones (Exhibit A-3), Email from Josephina Litera (Exhibit A-4); and Incident Reports from ProSec Services (Exhibit A-5).
5. According to testimony from Administration and from correspondence from staff, other students in Ms. Litera's class saw the hit list and alerted Ms. Litera that they were afraid. See Hearing Notes (Exhibit A-1) at p.2; Email from Josephina Litera (Exhibit A-4).
6. Evidence presented showed that Ms. Litera then alerted school administration as she was concerned there was something wrong with Plaintiff's health. Id.
7. Officer Romero's Incident Narrative then described that Plaintiff was then called into administration regarding this incident, where his mother was also present. See Hearing



Notes (Exhibit A-1) at pp. 2-10; and Officer Ernie Romero's Incident Narrative (Exhibit A-2) at p.1.

8. Officer Romero's Report went on to describe that Plaintiff admitted to administration that the hit list was his and that the names on the hit list were of students who picked on him or bugged him. Id.
9. Officer Romero's Report indicated that when Plaintiff was questioned about whether Plaintiff would be violent toward himself, he responded that he did not think so, but sometimes he did not know what he was thinking in his head. Id.
10. Officer Romero's Report further indicated that Plaintiff's mother, also told administration that Plaintiff could be violent and that two weeks prior to this incident had placed his hands around her throat and grabbed her arms. See Hearing Notes (Exhibit A-1) at pp. 2-10; and Officer Ernie Romero's Incident Narrative (Exhibit A-2) at p.1-2.
11. Officer Romero's Report further described that Plaintiff's mother also showed the bruises on her arms, which were in the healing processes. Id.
12. Officer Romero's Report further notes that when Plaintiff was questioned about whether he could potentially injure any of the students on his list, he responded that he did not know. Id.
13. Evidence presented at the due process hearing for Billy Jones showed that Administration was concerned that Plaintiff would act out what he had drawn. See Hearing Notes (Exhibit A-1); and Officer Ernie Romero's Incident Narrative (Exhibit A-2).
14. Principal Arthur Salazar gave a notice of suspension of Plaintiff from school and set an expulsion due process hearing for him. See Suspension Letter (Exhibit A-6).
15. The notice also informed Billy Jones that he had the right to be represented at the hearing by counsel along with additional rights afforded to him. Id.
16. Based upon the testimony and evidence presented at the due process Hearing, I found by a preponderance of the evidence that Billy Jones violated District Policies and recommended the expulsion of Billy Jones. See Hearing Findings Letter (Exhibit A-7).



DR. FIDEL TRUJILLO

SUBSCRIBED AND SWORN TO before me on this on this 5 day of November, 2015,
by Dr. Fidel Trujillo.



NOTARY PUBLIC

My Commission Expires:

Oct. 18, 2016

